

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | Case No.: 1:06 CR 125-2 |
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| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| JESUS SOSA-ORTIZ, |) | <u>ORDER ACCEPTING PLEA</u> |
| |) | <u>AGREEMENT, JUDGMENT AND</u> |
| |) | <u>REFERRAL TO U. S. PROBATION</u> |
| Defendant |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Baughman regarding the change of plea hearing and plea agreement of which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a thirty-six count Superseding Indictment against the Defendant Jesus Sosa-Ortiz and 25 co-defendants. Defendant Sosa-Ortiz was charged with Conspiracy to Smuggle Aliens into and within the United States, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I) ; Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud, and Structuring Financial Transactions, in violation of Title 18 United States Code, Section 371; Aiding and Abetting, Bringing Aliens into the United States, in violation of Title 8, United States Code, Section 1324(a)(2) and Title 18, United States Code, Section 2; and

Aiding and Abetting Mail Fraud, in violation of Title 18, United States Code, Section 1341; Aiding and Abetting the Structuring of Money Transactions, in violation of Title 31, United States Code, Sections 5324(a)(3) and 5324(d)(2) and Title 18, United States Code, Section 2; Social Security Fraud, in violation of Title 42, United States Code, Section 408(a)(7); Aiding and Abetting Money Laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and 2. On May 17, 2006, a hearing was held in which Defendant Sosa-Ortiz, entered a plea of not guilty before Magistrate Judge David S. Perelman. On January 23, 2007, Magistrate Judge Baughman received Defendant Sosa-Ortiz's plea of guilty to counts 1, 3, 8, 21, and 22 of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Baughman filed his R&R on January 23, 2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Sosa-Ortiz is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Sosa-Ortiz is adjudged guilty of Count One in violation of Title 18 United States Code, Section 1324(a)(1)(A)(v)(I), Count Three in violation of Title 18 United States Code, Section 371, Count Eight in violation of Title 18 United States Code, Section 1324(a)(2) and Title 18 United States Code, Section 2, Count 21 in violation of Title 42 United States Code, Section 408(a)(7), Count Twenty-two in violation of Title 18 United States Code,

Section 1028(A).

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR. _____
UNITED STATES DISTRICT JUDGE